United Nations A/66/704–S/2012/105

General Assembly
Security Council

Distr.: General
21 February 2012

Original: English

General Assembly
Sixty-sixth session
Agenda items 35, 39, 65, 67, 69, 83 and 84

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Promotion and protection of the rights of children

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

The scope and application of the principle of universal jurisdiction

Security Council
Sixty-seventh year

Letter dated 17 February 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

The most serious crimes of concern to the international community, such as war crimes, crimes against humanity and genocide, have been committed in the course of the ongoing aggression of the Republic of Armenia against the Republic of Azerbaijan. In the coming days, Azerbaijan commemorates the twentieth anniversary of the atrocious crimes committed against the civilians and defenders of the town of Khojaly, situated in the Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan.

On the night of 25 to 26 February 1992, the armed forces of Armenia, with the support of irregular armed bands and terrorist groups, as well as with the direct participation of the infantry guards regiment No. 366 of the former Union of Soviet Socialist Republics, the personnel of which was composed mainly of ethnic Armenians, implemented the seizure of Khojaly. The attack and capture of the town involved the extermination of hundreds of Azerbaijanis, including women, children and the elderly, and thousands of civilians were wounded and taken hostage, many of whom remain missing, while the town was razed to the ground.

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The level of brutality in Khojaly is shocking, and atrocities included scalping, beheading, bayoneting of pregnant women and the mutilation of bodies. The facts confirm that the intentional slaughter of the civilians in Khojaly town was directed at their mass extermination only because they were Azerbaijanis. By committing this appalling crime, its perpetrators also had a purpose, to strike terror into the hearts of people and create fear before the horrifying massacre. Indeed, Khojaly was chosen as a stage for further aggression against and occupation and ethnic cleansing of Azerbaijani territories.

Apart from the considerable information in the possession of the law enforcement agencies of Azerbaijan, the responsibility of Armenia, as well as its political and military leadership and subordinate local armed groups for the crimes committed in Khojaly has been recognized and documented by numerous independent sources and eyewitnesses to the tragedy, and has even been admitted by Armenia's high-ranking officials and the country's public sources. This responsibility emanates from both general international law and, more particularly, from the provisions of the European Convention on Human Rights, to which both Armenia and Azerbaijan are parties.

In its judgement of 22 April 2010, the European Court of Human Rights arrived at an important conclusion with respect to the crime committed in Khojaly, qualifying the behaviour of those carrying out the incursion as "acts of particular gravity which may amount to war crimes or crimes against humanity". The European Court made in this regard the following observation, which leaves no doubt as to the question of qualification of the crime and ensuing responsibility for it:

> "It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town ..." (Judgment of the European Court of Human Rights of 22 April 2010, para. 87).

The relevant Security Council resolutions adopted in 1993 in response to the illegal use of force against Azerbaijan and occupation of its territories, including resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), made specific reference to violations of international humanitarian law, including the displacement of a large number of civilians in Azerbaijan, attacks on civilians and bombardments of inhabited areas. It is beyond dispute that such acts amount to war crimes, crimes against humanity and racial discrimination.

The overall assessment of the causes and consequences of the war unleashed by Armenia against Azerbaijan makes it absolutely clear that the intentional slaughter of the civilians and defenders of Khojaly was not an isolated or sporadic act, but was part of Armenia's widespread and systematic policy and practice of atrocities, at the core of which are odious ideas of racial superiority, ethnic differentiation and hatred. It should be also noted that the Khojaly massacre and other crimes committed against Azerbaijanis during the conflict have finally exploded the myth depicting Armenia as an eternal victim.

The Government of Azerbaijan is confident that consistent measures being taken at the national level, as well as the existing legal framework of prosecution of

and punishment for the most serious crimes of concern to the international community, will serve to end impunity for the crimes in Khojaly and other grave offences committed in the course of the aggression of Armenia against Azerbaijan. It is important to ensure that the pursuit of offenders is undertaken through either the domestic legal systems of involved and third-party States or relevant international criminal institutions, as appropriate, and that State responsibility is enforced through existing inter-State mechanisms.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 39, 65, 67, 69, 83 and 84, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations A/66/705–S/2012/99

General Assembly
Security Council

Distr.: General
21 February 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 68
Right of peoples to self-determination

Security Council
Sixty-seventh year

Identical letters dated 15 February 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to enclose herewith a letter from Aliakbar Salehi, Minister for Foreign Affairs of the Islamic Republic of Iran, addressed to you concerning the situation in Bahrain (see annex).

It would be appreciated if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 68, and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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Annex to the identical letters dated 15 February 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

As you are aware, for almost one year the continued and violent crackdown against the peaceful movement of the nation of Bahrain, which has sought the realization of its legitimate civil rights and has objected to the systematic violation of human rights and the discriminatory policies in that country, has been continuing.

A great number of people in this low-populated country have been killed, wounded, tortured and disappeared as a result of this systematic suppression, which has entailed gross violation of human rights including through foreign military intervention and suppression by the Government's agents.

The continuation of such a trend, especially the insistence on dispatching military forces to deal with peaceful demands of a people who are asking for their basic right of "one Bahraini, one vote", paves the way for more violation of the people's basic rights and threatens peace and stability in the region.

The Government of the Islamic Republic of Iran, following its basic policies of respecting the goals and principles of the Charter of the United Nations, non-interference in the domestic affairs of other countries, and good-neighbourliness in its relations with neighbouring States, expresses its repeated deepest concerns about the developments in Bahrain, as they constitute a clear manifestation of grave violations of the international rules and regulations on human rights. The Islamic Republic of Iran warns against the serious consequences of foreign military interference there, which has, in effect, aimed at suppressing the movement in Bahrain by using all violent means against innocent civilians, and reminds the State of Bahrain and the interfering Government of their international responsibilities.

It seems the double standards and the hypocritical approaches of those with a greater role in the international decision-making process have increasingly encouraged the systematic domestic and foreign violators of human rights in Bahrain. Their short-sighted views have practically encouraged the killing of Bahraini civilians by using all political and propaganda apparatus in a targeted manner.

The shared human values and ethics of today's civilized world, which are derived from the aspirations and the experience of the United Nations as well as the great teachings of Islam as the common ground of our people in the region, make us wary of the atrocities happening in Bahrain. Furthermore, the widespread and brutal foreign intervention has taken the issue beyond the boundaries of Bahrain and has, increasingly, threatened regional security and stability.

The Islamic Republic of Iran, while reiterating its commitment to the principles of the Charter of the United Nations, the norms of international law and respect for the independence and territorial integrity of Bahrain, strongly believes in the efforts to achieve a political solution to defuse the crisis in Bahrain through taking the required confidence-building measures for just talks. Iran condemns the continued egregious and systematic violation of the accepted international regulations on preventing the gross violation of human rights. The Islamic Republic

of Iran considers the continuation of foreign intervention in the country as a move to suppress the civilian population militarily, which paves the way for human rights violations and is against the norms of international law. Iran warns against the widespread consequences of these developments for the internal stability of Bahrain and regional peace and security.

There is no doubt that your position and responsibilities require that all available means and measures, along with your legal status, be utilized to draw the attention of the international community to the atrocities in Bahrain, to make the Bahraini Government avoid gross and systematic violation of the civilian population's human rights and to recall the necessity for the immediate halt to foreign military intervention in Bahrain's affairs.

Naturally, world public opinion, in particular the collective memory of the Muslim peoples in our region, observes carefully the current events in Bahrain and would not excuse the double standard and the selective approaches vis-à-vis the occurring developments in the region.

Aliakbar **Salehi**
Minister for Foreign Affairs